

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RYAN J. OSWALD,

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

ORDER

11-cv-217-bbc

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Defendant NCO Financial Systems, Inc. has filed a notice of removal of a state small claims case filed in the Circuit Court for Dane County, Wisconsin. In the underlying state case, plaintiff Ryan J. Oswald alleges that defendant has violated the Fair Debt Collection Practices Act by making numerous harassing phone calls. The court has not been able to proceed with this case because it has been very difficult to communicate with plaintiff, making it unclear whether he wished to proceed with the case in this court.

In a June 15, 2011 memorandum, I told plaintiff that he had until June 24, 2011, to inform the court *in writing* whether he wanted to pursue his case in this court or have the case dismissed with prejudice. Instead of informing the court in writing, plaintiff left a voice mail with the clerk's office explaining that the case could be dismissed because he was in the process of entering into a settlement agreement with defendant. (The court has not received

word from either plaintiff or defendant about whether a settlement agreement has been reached.) In any event, because plaintiff failed to comply with the June 24, 2011 memorandum, IT IS ORDERED that this case is dismissed with prejudice.

Entered this 15<sup>th</sup> day of July, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge